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February 22, 2022

By ECF

Magistrate Judge Peggy Kuo
United States District Court for the Eastern District of New York
225 Cadman Plaza East, Courtroom 11C South
Brooklyn, New York 11201

Re: Rosenfeld v. AC2T, Inc., No. 1:20-cv-04662-FB-PK (E.D.N.Y.)

Dear Judge Kuo:

My firm represents Defendant AC2T, Inc. ("AC2T") in the action referenced above. Together with Plaintiff Kalman Rosenfeld ("Plaintiff"), and in accordance with Rule IV of Your Honor's Individual Rules, we write to respectfully request an extension of the current Scheduling Order. A Stipulated Proposed Second Amended Scheduling Order signed by both parties is attached as **Exhibit A**. Plaintiff's counsel has reviewed and approved the contents of this letter.

The current Amended Scheduling Order sets a March 7, 2022 deadline for Plaintiff to file his motion for Rule 23 class certification. Document discovery remains underway. AC2T has made three document productions to date, totaling approximately 75,847 pages, but requires additional time to complete its efforts to identify, gather, review, and produce documents responsive to Plaintiff's requests. At this time, AC2T cannot yet estimate a date of completion or the remaining volume of its forthcoming document productions. Plaintiff represents that he has completed his production of documents. Moreover, several third parties have not completed their production of documents in response to discovery subpoenas. The parties intend that document discovery should be substantially completed before depositions are taken and, consistent with the current Amended Scheduling Order, that fact discovery should be substantially completed before Plaintiff moves for class certification.

Accordingly, the parties jointly request that the Court set September 7, 2022 as the new deadline for Plaintiff to move for class certification. Consistent with the existing Amended Scheduling Order, all subsequent discovery and motion deadlines would follow from the date that Plaintiff files his class certification motion. The parties are hopeful that document production will be completed in time to comply with this revised schedule, but they are mindful that further extensions may be necessary if additional time is needed for fact discovery.

This is the parties' second request to amend the Scheduling Order.



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We appreciate the Court's consideration. If Your Honor has any questions or concerns, we can be available at the Court's convenience.

Respectfully,

/s/ Edward P. Boyle

Edward P. Boyle

cc: Counsel of Record (*via ECF*)

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
KALMAN ROSENFELD, individually and	:
on behalf of all others similarly situated,	:
	:
Plaintiff,	:
	:
v.	:
	:
AC2T, INC.	:
	:
Defendant.	:
	:
-----X	

No.: 1:20-cv-04662-FB-PK

STIPULATED PROPOSED SECOND
AMENDED SCHEDULING
ORDER

WHEREAS the parties have met and conferred and agreed upon an amended discovery schedule, it is hereby stipulated to and agreed as follows:

1. Motion for Rule 23 Class Certification shall be due on or before September 7, 2022.
2. The Opposition to the Motion for Rule 23 Class Certification shall be due 49 days after the moving brief is filed.
3. The Reply in Further Support of the Motion for Rule 23 Class Certification shall be due 28 days after the Opposition is filed.
4. All fact discovery is to be completed 60 days after the ruling on the motion for class certification.
5. A joint status report certifying the close of fact discovery and indicating whether expert discovery is needed is due 60 days after the ruling on the motion for class certification.
6. Affirmative expert reports are due 60 days after the ruling on the motion for class certification.
7. Rebuttal expert reports are due 90 days after the ruling on the motion for class certification.
8. Depositions of experts are to be completed 120 days after the ruling on the motion for class certification.
9. All discovery is to be completed 120 days after the ruling on the motion for class

certification.

10. A joint status report certifying the close of all discovery is due 120 days after the ruling on the motion for class certification.

11. If any party seeks a dispositive motion, the request for a pre-motion conference (if required) or the briefing schedule must be filed 127 days after the ruling on the motion for class certification.

The parties may jointly agree to amend the above dates by filing a further stipulation with the Court, which shall be subject to the Court's approval. This schedule may also be amended for cause upon application of a party to the Court.

Dated: New York, New York
February 22, 2022

VENABLE LLP

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Attorneys for Plaintiff

SO ORDERED, _____, 2022
Honorable Peggy Kuo
United States Magistrate Judge